

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RUSSELL ZINTER; ET AL.

Plaintiffs,

v.

CHIEF JOSEPH SALVAGGIO; ET AL.

Defendants.

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CIVIL NO. SA-18-CA-680-JKP-RBF

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' SUBPOENAS
TO THE FBI AND THE CITY OF SAN ANTONIO AND MOTION TO QUASH**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COME NOW DEFENDANTS, CHIEF SALVAGGIO, LT. ANDERSON, SGT. URDIALES, DET. KING, CPL. MANDRY, CPL. FARIAS, AND OFFICERS VASQUEZ, WELLS, EVANS, HERNANDEZ, YARBROUGH, BRETON, AZAR, CASTRO, TACQUARD, and RIVERA ("Individual Defendants"), and The CITY OF LEON VALLEY ("Defendant" or "City") and collectively referred to as "Defendants," file their Objections to Plaintiffs' Subpoenas directed to the FBI and the City of San Antonio ("Subpoenas") and Motion to Quash said subpoenas, pursuant to Fed. R. Civ. P. 45 in support thereof, would show the following:

I. BACKGROUND

1. On January 12, 2022, Defendants' counsel received an electronic filed copy of a Subpoena for records [Dkt. 133] and a copy by certified mail of Deposition on Written Questions on January 18, 2022, both requesting documentation regarding Defendant Salvaggio from the City of San Antonio. **Exhibits A and B.** On December 9, 2021, Defendants' counsel received electronic filed copies of three Subpoenas to FBI agents. **Exhibits C, D, and E.** Defendants move to quash said subpoenas under Rule 45 (d) (3).

2. Defendants object and move to quash Plaintiffs' Subpoenas pursuant to Rule 45 (d)(3) of the Federal Rules of Civil Procedure as overbroad; not proportional to the needs of the case; and requires disclosure of privilege or other protected matter. *American Federation of Musicians of the United States and Canada v. Skodham*, 313 F.R.E. 39, 44 (N.D. Tex. 2015).

3. The testimony and information sought by Plaintiffs in the Subpoenas to the FBI agents appear to pertain to ongoing criminal investigations, and the testimony and release of information would be prejudicial to any investigation. In *Hobson v. Moore*, 734 S.W. 2d 340 (Tex. 1987), the Texas Supreme Court recognized an independent law enforcement privilege in civil litigation for information that pertains to an ongoing criminal investigation. *Id.*

4. Defendants have not received notification that the City of San Antonio has responded to Plaintiffs' Deposition on Written Questions before the end of the discovery period on January 13, 2022. As such, any responses are untimely, and Defendants will be prejudiced with any admission of these documents in the trial of this cause.

5. Additionally, pursuant to the Text Orders provided by the Court, the discovery deadline was January 13, 2022. **[Dkt. 123 & 11/23/21 Text Order]**. Trial in this case is set for March 28, 2022. **[Dkt. 125]**. Plaintiff's issuance of said subpoenas after and/or near the discovery period is untimely and will impose unwarranted burden on Defendants and is sought only for delay.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that their Objections and Motion to Quash be in all things granted and for such other and further relief, at law or in equity, general or special, to which Defendants may be justly entitled.

SIGNED this 28th day of January 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served upon the below named individual(s) via certified mail, return receipt requested, unless otherwise indicated, and according to the Federal Rules of Civil Procedure on the 28th day of January, 2022.

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